

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Trademark Application

Serial No.: 76,294,763

Filed: August 6, 2001

Published in the Official Gazette  
of August 13, 2002 at Page TM 175

Mark: "CONNECTING COMPANIES TO CUSTOMERS"

Applicant: BILLSERV, INC.

International Class(es): 35, 36, 42

Docket No.: PRINZ/TM/OP 02.01

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CC-CHEMPLOMER SERVICE GmbH,

Opposer

OPPOSITION NO. \_\_\_\_

v.

BILLSERV, INC.,

Applicant.

\*\*\*\*\*

BOX TTAB FEE

Assistant Commissioner of Trademarks

2900 Crystal Drive

Arlington, VA 22202-3513

**NOTICE OF OPPOSITION**

Dear Sir:

CC-CHEMPLOMER SERVICE, GmbH, a limited liability company existing under the laws of Germany having its principal place of business at Eduard-Pflueger-Str. 55, 53113 Bonn,

HAYES SOLOWAY P.C.

130 W. CUSHING ST.  
TUCSON, AZ 85701  
TEL. 520.882.7623  
FAX. 520.882.7643

175 CANAL STREET  
MANCHESTER, NH 03101  
TEL. 603.668.1400  
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Germany, acting on its own and through its parent company, CC-CHEMPLOER LTD., an Irish Private Limited Company having a place of business at 25/28 North Wall Quay, Dublin, 1 Ireland, will be damaged by registration of the mark "CONNECTING COMPANIES TO CUSTOMERS," Application Serial No. 76/294,763, published at page TM 175 of the August 13, 2002 Official Gazette, and hereby opposes registration of the mark shown in classes 35, 36 and 42.

The grounds for the Opposition are as follows:

1. By the Application herein opposed, Applicant is seeking to obtain, under the provisions of the Trademark Act of 1946, as amended, registration on the Principal Register of the mark "CONNECTING COMPANIES TO CUSTOMERS" as a servicemark for the following services:

CLASS 35 - For business services, namely, providing web-based customer care center services for others, namely, analyzing and resolving billing and service related issues.

CLASS 36 - For electronic bill presentment and payment services.

CLASS 42 - For customer care service centers, namely providing online technical information and customer assistance to customers.

2. The Application for registration of the subject mark was filed as an intent-to-use Application. On information and belief, no use of the alleged servicemark for which Applicant seeks registration has been claimed.

3. Opposer, through its subsidiary CHEMPLOER GmbH, filed an Application to register the servicemark "CONNECTING COMPANIES" in Classes 35, 36, 38, 39, 41 and 42 for a variety of services as set forth in the attached Application (Exhibit A).

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4. Opposer's Application described in the previous paragraph was filed under 15 USC § 1126(d), i.e., as a Section 44(d) Application, claiming priority, based on its home country Application in Germany, Serial No. 30126458901, filed April 25, 2001. Thus, Opposer's aforesaid servicemark Application, by virtue of its priority claim, predates the filing of Applicant's intent-to-use Application by almost eleven months, and constitutes Constructive Use Priority under 15 USC § 1057.

5. A certified copy of Opposer's home country registration and a verified English translation thereof has been submitted whereby to perfect Opposer's priority filing and Constructive Use Priority. A copy of Opposer's home country registration and verified English translation thereof are attached hereto as Exhibit B.

6. Opposer's mark "CONNECTING COMPANIES" is comprised entirely within Applicant's mark "CONNECTING COMPANIES TO CUSTOMERS."

7. The services of Opposer and Applicant are similar to and offered in similar channels of commerce to similar customers.

8. As a result of the confusing similarities between Opposer's mark and Applicant's mark, and because the services of Applicant and Opposer are similar, are in similar channels of commerce, and are directed to similar customers, registration of the mark in connection with Applicant's services is likely to cause confusion or is likely to deceive purchasers as to the source or sponsorship of such services.

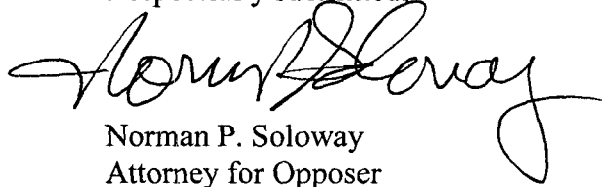
9. Wherefore, it is submitted that the Applicant BILLSERV, INC. is not entitled to register the mark "CONNECTING COMPANIES TO CUSTOMERS," and any such registration would be damaging to Opposer CC-CHEMPLOER SERVICE GmbH.

CHEMPLORER SERVICE GmbH herewith submits the requisite fee of \$900.00 to cover the cost of opposing in Classes 35, 36 and 42.

In the event there are any fee deficiencies or additional fees are payable, please charge the (or credit any overpayment) to our Deposit Account Number 08-1391.

Please direct further correspondence in connection with this Opposition to the undersigned attorney.

Respectfully submitted,



Norman P. Soloway  
Attorney for Opposer  
Reg. No. 24,315

**CERTIFICATE OF MAILING**

I hereby certify that triplicate copies of this correspondence are being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: BOX TTAB FEE, Assistant Commissioner of Trademarks, 2900 Crystal Drive, Arlington VA 22202-3513 on December 10, 2002, at Tucson, Arizona.

By Najat Mubalane

NPS:nm

**HAYES SOLOWAY P.C.**

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TTAB

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Serial No.:

76,294,763



12-13-2002

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U.S. Patent & TMO/c/TM Mail Rcpt Dt. #30

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Applicant:

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CC-CHEMPLOER SERVICE GmbH,

12/23/2002 KGI380NS 00000046 76294763

Opposer

OPPOSITION NO. \_\_\_\_\_

01 FC:6402

900.00 DP  
V.

BILLSERV, INC.,

Applicant.

\*\*\*\*\*

BOX TTAB FEE

Assistant Commissioner of Trademarks  
2900 Crystal Drive  
Arlington, VA 22202-3513

LETTER

Dear Sir:

In connection with the above-identified mark, the term for filing a Notice of Opposition  
having been extended to December 11, 2002, enclosed please find duplicate copies of a Notice of

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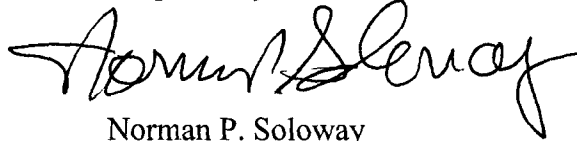
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Opposition, together with supporting exhibits of prior use and our credit card payment Form PTO-2038 in the amount of \$900.00 for opposing in three classes.

In the event there are any fee deficiencies or additional fees are payable, please charge the (or credit any overpayment) to our Deposit Account Number 08-1391.

Please direct further correspondence in connection with this Opposition to the undersigned attorney.

Respectfully submitted,

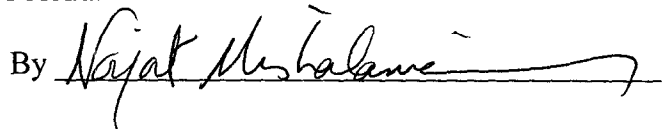


Norman P. Soloway  
Attorney for Opposer  
Reg. No. 24,315

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By



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